

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ANTONIO SALAICES-ARENALES,

Defendant.

**Nos. 06-CR-30149-DRH
06-CR-30167-DRH**

MEMORANDUM and ORDER

HERNDON, District Judge:

Pending before the Court are Defendant's motions for joinder (Docs. 33, & 70, respectively) filed in the above cases.¹ The motions request the Court to consolidate case number 06-30149 with case number 06-30167. Unlike civil matters, criminal matters cannot be consolidated with like proceedings. Therefore, the Court will construe Defendant's motion as a motion to continue trial, specifically requesting that 06-30149 be continued to the trial date of 06-30167. That way, if needed, both criminal proceedings can be heard concurrently, but will technically remain under separate case numbers, pertaining to separate indictments. Defendant maintains that it is in the interest of justice and judicial economy that this motion be presented to the Court and that these matters be joined together. The

¹Defendant filed the same motion in both cases.

Government does not object to the motion.

The Court finds that Defendant has a right to have these cases tried together. If the Court were to deny a continuance, this would likely result in a miscarriage of justice. **See 18 U.S.C. § 3161(h)(8)(B)(I)**. Further, in 06-30149, Defendant is the only named Defendant. A continuance will not impact the speedy trial rights of any other defendant. Therefore, a continuance is necessary and pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the Court finds that the ends of justice served by granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial.

Therefore, the Court **GRANTS** Defendant's motions for joinder [Continue Trial] (Docs. 33 & 70). The Court **CONTINUES** the jury trial scheduled in case number 06-30149 for May 14, 2007 to **Monday, June 4, 2007 at 9:00 a.m.** The time from the date the original motion was filed, April 17, 2007, until the date to which the trial is rescheduled, June 4, 2007, is excludable time for the purposes of speedy trial. Additionally, these matters will be tried concurrently. The parties shall notify the Court if a change of plea hearing is necessary.

IT IS SO ORDERED.

Signed this 19th day of April, 2007.

/s/ David RHerndon
United States District Judge